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International Court of Justice

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OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

27 June 1946

COMMISSIONER:

Capt. Joseph Tubridy.

(The Commission convened at 1555 hours.)

THE GESTAPO

WILHELM KIRCHBAUM, a witness, took the stand and testified as follows:

~~BY~~ CAPT. TUBRIDY: Will you give your full name please?

WITNESS: WILHELM JOHANN KIRCHBAUM.

~~BY~~ CAPT. TUBRIDY: Will you raise you r right hand, please, and repeat after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

Please be seated.

DR. WEISGURBER: I intend to interrogate the witness concerning the following points: The transfer of members of the Secret Military Police into the Security Police during the war within the framework of emergency draft measures, and the tasks, aims and activities of this organization.

LT. CMDR. HARRIS: I am going to interpose an objection. I don't see how it is possible that some members of the Geheime Feld Polizei may have been drafted into the Gestapo would in any important way affect the basic organization

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of the Gestapo. A few persons, or even a considerable number, were drafted into the Gestapo. That in no way could affect the basic voluntary nature of the organization, therefore I object to the proposed line of questioning of this witness.

CAPT. TUBRIDY: Within the terms of the order, whether or not membership is voluntary or by legal decree, it has been stated as being irrelevant. That, as large numbers have been incorporated into the organization, either on a basis of legal decree, or by the terms of this order, we have to consider membership. May I ask, before we start, how much time you think you will need with this witness?

DR. WEISGURBER: Not more than one hour.

CAPT. TUBRIDY: Will we need to take that much time?

DR. WEISGURGER: I shall try to confine my questions to the points absolutely necessary in order to clear up the position of the Gestapo.

DIRECT EXAMINATION

BY DR. WEISGURBER:

Q Witness, you were a member of the Feld Polizei Chief of the Army during the last war?

A Yes.

Q What was your professional career, very briefly?

A After the first world war I was a police employee and in 1922 I left the police with the rank of a captain and became a businessman. In 1933 I re-entered the police with the same rank and became one of the members of the Order Police. In December, 1933, I was employed with the office of the Secret State Police in the central office in Saxony, and in 1936 I entered the Feld Police as Inspector.

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Krichbaum

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In 1938 I was called in order to participate in a military maneuver with the field police ~~xxxxxxxxxx~~ chief of the army, and then because we only had been on manauvers I was dismissed again in December and on the 21st of August, 1938, I again entered re-employment with the army organization. On the 1st of May, 1940, I came to the ~~SSxUntersturmfuehrer~~ Obersalsberg as ~~Obersalzbergxor~~ Commander in Chief of the Military Police in the OKW. I kept this position until I was captured on the 2nd of May, 1945.

Q What rank did you have as chief of the field police in the army?

A I was called on the 21st of August, 1939 with the rank of Colonel and that has been my rank until the end.

Q Were you a member of the party or one of it's organizations?

A On the 20th of April, 1934, I was a captain in the regular police and I was taken into the SS as an Untersturmfuehrer, and I entered the party on the 1st of May 1937.

Q And under whose command were you as field police commander of the army?

A I was under the jurisdiction of Admiral Canaris in the army high command.

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Q And what was the strength of this secret field police?

A The number of secret field policemen was raised from three thousand at the beginning of the war to eleven or twelve thousand as the war went on.

Q At certain times were any special units of the secret field police taken in as a part of the Gestapo?

A That question cannot be answered with "yes", directly, because no soldiers were transferred to the Gestapo directly, because they were transferred to the security police. That was in 1942, starting with May, 1942. At that time the higher SS and police leader was named in advance and the secret field police was relieved of many of it's duties through the work of the security police. It was, therefore, that the Reichsfuehrer SS, after the new higher SS and police had been created, the Reichsfuehrer required that the police be enlarged in France, and he attempted to get the entire secret field police as a unit under his jurisdiction. This request of the Reichsfuehrer was not carried out due to the protest of the OKW, especially of Admiral Canaris, and it was, therefore, decided between Himmler and Keitel that the secret field police was to release all of its men that were not needed from the army. And for that reason it was that in France the members of the secret

H0990 – 0006

police were released from the army at the same time in 1942, and it at first concerned 23 ~~xx~~ troops of secret field police and their companies, all together about 2500 men.

Q In other words, these men were released from the army, then transferred to the security police upon an official order?

A Yes, and this was especially due first to a verbal agreement and it came through later on in the ~~from~~ form of a written order between Himmler and Kietel, and later this matter was settled officially through an order of the 17th of December, 1942. The ~~xxxxx~~ troops, that is, non-commissioned officers and enlisted men of these secret field police were transferred as the bulk, together with civil service employees, to the security police, and there were left, together with all of their equipment, until released from the army. In other words, the security police took all of these men as a group.

Q How was the selection of the non-commissioned officers and enlisted men carried out that were supposed to be transferred?

A Any kind of selection was strictly forbidden. The entire group was taken over by the security police with the exception of those men which were not used by the security police, that is, people born in 1917 or earlier, but the rest moved over as a unit, including the professional officers of the security police.

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XXXXXXXXXXXXXXXXXXXX

BY LIEUTENANT HARRIS:

Q Did I understand you to say that those born in 1917, or xxxxxxx earlier, were not transferred?

A That was the right answer. You did understand it correctly.

BY DR. WEISGURBER:

Q Was there any possibility for any member of the secret police to refuse to be transferred over to the security police?

A No, there was not a single possibility for a member of the secret police to refuse this order. I wish to say this: In cases where a large number of soldiers, who would rather have stayed with their units, were threatened with disciplinary action, tried time and time again to get transferred back into the army.

Q What would have been the result if a person had refused strictly to be transferred to the security police?

A It is very hard to answer this question as it is, but I would say that if the person had refused to be transferred, he would have been tried by an army courts martial, or after transfer by an SS court, and that this Court would have allotted out and decided definitely upon the fact that this person should be punished.

Q These persons that were transferred in such a way to the security police were also regarded as so called labor recruits?

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A Those people were generally called the labor recruits or the requirement groups.

Q Do you know anything concerning what use was made of these drafted workers after they had been transferred to the security police?

A These groups were used by the security police as such due to the fact that a group usually consisted of about five active policemen, four to five officers and about fifteen non-commissioned officers and men which were non commissioned men, auditors, mechanics and so on. These persons were also all taken over by the security police, and then grouped according to necessity. The police heads for instance were transferred into the criminal police of the Gestapo and the SD. The drivers remained as such, as also did the other personnel, such as telephone operators, they all remained in their jobs as such within the security police.

Q Were these transfers of secret field personnel into the security police, where they also made in other occupied countries?

A Yes, the chief of the German police made a possibility of obtaining a good personnel. It became so very good that the Chief of the German police, whenever there was a higher SS and police leaders within the country required, that the secret field police cease all activities, and be transferred a s a whole group over to the security

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police. The result of that was that whenever a new higher police or SS leader was put into one of the occupied countries, that the OKW took all of it's secret field personnel out of the country on a flight in order to get them out of the country in time. During the course of the years 1943 to 1945, eight entire groups were transferred from the secret field police to the security police in Belgium, one group in Serbia, one group in Denmark and after the retreat from the East, a total of eighteen groups.

Q Can you give me the entire strength of these so-called labor recruits?

A The number amounted to as I figured it out, but, however, I shall have to figure it out without any kind of files, I figure from between 5500 and 7500 men.

Q Was there any cooperation in the work between the secret field police and the security police?

A Naturally, since the secret field police was only responsible for areas outside of the Reich's borders, that is, in enemy country. Their work together only amounted to so-called administration and law. In other words, that was such work as providing for information, giving the other groups their jobs to work with the files, and any other kind of a job, such as driving vehicles, since the secret field police and security police always were under the same Commander in Chief of the Army. However, there was no organizational

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or jurisdictional connection between the secret field police and the security police.

Q Didn't the secret field police sent it's prisoners to the prisons of the security police?

A I don't even know of any prison that was in the hands of the security police since all of these prisons in these occupied territories, such as France and the others, were under the command of the military commanders, that is, the military administration. After 1942 an agreement was reached according to which the secret field police had no jurisdiction whatsoever concerning civilian matters. From that time on the secret field police was only connected or interested in actions within the group or within the groups of the army, and whenever there was any kind of attack by civilians upon military installations or military units. Whenever, a man was arrested by the secret field police and if in case it was found out he did not act against any of our military laws, then this man was transferred, after his arrest to the security police, since we did not have anything to do with civilian matters. The German secret field police was originally the counter intelligence police of the German Army. After the higherSS and police leader was named, the units, that is, the counter iltelligence units had to work together exclusively with the security police and the

H0990 - 0011

secret field police was only interested in military matters, that is, actions within the units.

Q Who provided the administration and guarding units for these prisoners?

A There were two kind of prisons, one military prisons which were temporary prisons, and, secondly, the prisons that already had existed within this country. The matter was at that time exactly as it was today, that is, all of these prisons were under the jurisdiction of the military government, that is, whether they were army prisons or whether they were civilian prisons, and, therefore, the military commander of the area had to provide administration and guarding units, and whether or not in this case it was the local field commander or it was the department commander that provided these troops is not of any importance. However, these troops were under the jurisdiction of the Commander in Chief or Oberbefehlshaben and the army prisons and military prisons had only military prisoners. However, civilian jails were occupied partly by members of the nation in which these prisons were.

Q The Gestapo did not carry out any mutual action between the secret field police and the security police?

LIEUTENANT HARRIS: I am going to object. I think this is quite irrelevant. I don't see what bearing this question or this line of questioning has upon the

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criminality of the Gestapo. Furthermore, I am going to renew my objection now on the basis that the evidence adopted by the witness does not indicate that any such considerable percentage of the membership of the Gestapo, during the period from 1933 to 1945, was brought in by a draft of the military forces, such as would in any way affect the essential, voluntary character of the Gestapo as a and State or as an organization.

DR. WEISGURBER: I want to state the following:

The Gestapo started out being a small organization and in 1933 it grew until 1945. One or more groups of persons were brought into the Gestapo, that is, they were made a part of the Gestapo. One of these groups is the so-called labor recruits, concerning whom we are talking now. I want to prove that other groups of personnel which were even much larger than these were brought into the Gestapo, not through their own volunteering but through transfers. I will create evidence concerning many more groups which were forced into the Gestapo. It is only when all of these groups have been heard that judgment can be given as to whether or not the Gestapo essentially was a military unit or not. It is, therefore, not now permissible to have an objection which says that the organization concerning which we are speaking now does not in any way disprove a claim of the Prosecution that the Gestapo was

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a voluntary organization.

CAPTAIN TUBRIDY: I don't ~~xx~~ think you quite get the point. ~~regarding~~ of the matter. Furthermore ~~The~~ the evidence ~~is not~~ does not showing any real lack of criminality on the part of the Gestapo.

DR. WEISBURGER: I shall intend or I do intend to ask a few questions concerning that point.

CAPTAIN TUBRIDY: May we direct the questions to that?

DR. WEISGURBER: Yes.

BY DR. WEISGURBER:

Q These questions now do not concern themselves expressily with the Gestapo, but they are in connection with the action of the secret field police.

LIEUTENANT HARRIS: I just raised the question of whether we are concerned with the action of the secret field police.

DR. WEISGURBER: I should have the possibility to prove and show that crimes of which the Gestapo is accused could have been carried out by other organizations.

CAPTAIN TUBRIDY: The a more primary question is not, could they, but, did they?

DR. WEISGURGER: Concerning that the witness shall make statements in so far as what he knows.

CAPTAIN TUBRIDY: ~~xxxx~~ Let's proceed.

H0990 - 0014

BY DR. WEISGURBER:

Q To what extent was the secret field police connected with the deportation of Jews and their extermination?

A As far as I know almost certainly not at all.

Q I have only a few more questions. My statement is correct, isn't it, that as I say the secret field police members that were transferred into the security field police between the years 1942 and 1945, did not do so voluntarily and they could not have and were not in a position to ask for a different transfer or were in no position to refuse to transfer without endangering themselves, that is, withoutmaking the possibility of a disciplinary court martial action?

CAPTAIN TUBRIDY: You asked that question before, didn't you? Dr Weisgurber?

DR. WEISGURBER: It is just a summary, a closing summary of the case.

CAPTAIN TUBRIDY: There is no point in repetition.

DR. WEISGURGER: Then I will recall the question. I have no further questions.

CROSS EXAMINATION

BY LIEUTENANT HARRIS:

Q You said that during the period 1943 to 1945 about twenty-eight groups of nine or twelve polezei were transferred to the higher police and police leaders?

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A Yes

Q And that the total number involved was between 5500 and 5700?

A Yes

Q Q Does that include those transferred in France?

A Yes, I can give the exact numbers as far as France is concerned.

Q ~~Exxxxxx~~ That is all right. We are not interested.

A About twenty-three groups in France and about twenty-eight groups in the other countries.

Q And all told about 5500?

A Each group has 100 men and in addition to that you have the various staffs, yes.

Q And that includes all clerical help and drivers, etc., ~~xxxxxxxxxx~~ who are included in that number?

A Everything.

Q And, however, no officers, just the non-commissioned officers?

A Yes, there were five officers, five or six officers with each of these groups, that is, if they were civil servants with officers ranks, and these were also transferred into the security police.

Q Were any of these persons so transferred former members of the police in civilian life?

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A No, among these non-commissioned officers and enlisted men there were none with the exception of the five civil servantswith officers' ranks which were police. Besides the forty-five non commissioned officers and enlisted men of each of these groups, these aides were all of them members of some higher intelligence, that is, they either were lawyers or law members or hotel residents and so on.

Q The leaders were professional policemen whose careers had been interrupted by the fact of the war and they had gone into police work in the army instead of continuing in their civilian police work?

A Yes, as members of the army.

Q So that when they were transferred to the security police they were restored in a sense to a similar job to the one they may have had, had they not, with temporary duty in the army?

A The policemen in the secret field police consisted of about seventy per-cent former criminal policemen, about twenty per-cent administrative police members and then certain per-cent employees of the Gestapo, and these Gestapo men were all men born in 1917 or after, that is, young men who were required to serve with arms.

Q Now when these higher police leaders and SS received some of these men I suppose they spread them out under the various units under their command, such

H0990 – 0017

as order police and security police and the Waffen SS and so on?

A No, these forty-five xxxxx non-commissioned officers and enlisted men in each of these groups were trained in counter intelligence activities, and they were each required to speak a number of foreign languages frequently and to have no previous court records, and, therefore, these men were transferred into the security police since they were of no use in the order police.

Q I was thinking of the eighteen groups you mentioned xxx which right at the end of the war were transferred on the retreat from the East. I suppose some of them were put into special SS functions other than the Security Police?

A No, that was not the case.

Q Well in any case they were divided among the Gestapo and the Kreko???and the Sd, weren't they ?

A Yes, that is as well at home as in the occupied territories.

Q And there were five professional policemen and about forty-five n-c-o's and enlisted men in each group?

A In addition to these there were a military personnel of 28 drivers, one bookkeeper, three clerks and so on.

H0990 – 0018

Q And there were how many, eighteen groups in France and twenty-eight groups elsewhere?

A Twenty-three groups in France and twenty-eight groups in the other parts.

DR. WEISGURBER: No further question.

CROSS EXAMINATION

BY M. LANOIRE:

Q I have just one question. Will you tell me, witness, if the men who were moved from the secret police into the security police had some change in their uniform?

A Yes, due to the fact they were transferred ffrom the army, they were not soldiers any more.

REDIRECT EXAMINATION

BY DR. WEISGURBER:

Q I have only one question. Am I correct in saying that the 28 drivers, three clerks and so on, became members of the security police, just as well as the other forty-five police aids that went into the security police?

A Yes, there was no difference made whatsoever. The OKW wanted a difference between the secret field police and the security field police, and, therefore, these troops were transferred completely with all material to the security police.

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BY CAPTAIN TUBRIDY:

Q Do you know of any case where a person could resign after the transfer?

A Out of the 2300 men that were transferred in France of the security police, I received at least 1800 requests for re-assignment, but only due to the fact that these persons did not better their positions. In fact, the position got worse, both materially and in the occupation, and these members of the intelligence branch formerly had a possibility of becoming officers, and, therefore, improving their status, but upon being considered as recruited workers, they were at the end of their career.

Q Was there any attempt to resign from the service or to get out and what happened when they would apply to get out?

A I then had them informed through other field policemen or by myself that such a re-instatement only was impossible on account of the agreement between the OKW and the Chief of the German police. This order was given to me directly by Admiral Canaris and as a reason he said he did not want any trouble or difficulties with the security police.

Q The reason why they wanted to get out was because they were not bettering their position where they were, is that right?

H0990 – 0020

A The men not only wanted to get out because they did not have any chance of bettering themselves but also due to the fact there were a lot of experts within the security police and these men were not used entirely for their ability, that is, for instance a man who used to be a chief for a district and was transferred into the SS and they made an SS unterscharfenfuehrer --

CAPTAIN TUBRIDY: I think that will be enough. Are there any further questions? Then the witness will be excused.

(The commission adjourned until 28 June 1946 at 1000 hours)

Com A
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Krichbaum

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The foregoing is a true and correct transcript of the testimony of WILHELM KRICHBAUM taken on 27 June 1946.

William A Adams
Reporter (p 1 - 2)

Reporter (p 3 - 19)

Reporter (p)

CERTIFIED TO:

Joseph F Dubrid
Commissioner

Commissioner

File Copy

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H0990 – 0022

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

Over Page 1913.

COMMISSIONER:

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(The Commission convened at 1555 hours.)

THE GESTAPO

WILHELM KIRCHBAUM, a witness, took the stand and testified as follows:

CAPT. TUBRIDY: Will you give your full name please?

WITNESS: Wilhelm Johann Kirchbaum.

CAPT. TUBRIDY: Will you raise your right hand, please, and repeat after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withold and add nothing.

(The witness repeated the oath.)

Please be seated.

DR. WEISGURBER: I intend to interrogate the witness concerning the foll. ing points: The transfer of members of the Secret Military Police into the Security Police during the war within the framework of emergency draft measure and the tasks, aims and activities of this organization.

LT CMDR. HARRIS: I am going to interpose an objection. I don't see how i is possible that some member of the Geheime Feld Polizei may have been drafted into the Gestapo would in any important way affect the basic organization of the Gestapo. A few persons, or even a considerable number, were drafted into the Gestapo. That in no way could affect the basic voluntary nature of the organization, therefore I object to the proposed line of questioning of this witness.

CAPT. TUBRIDY: Within the terms of the order, whether or not membership is voluntary or by legal decree, has been stated as being relevant. If large numbers have been incorporated into the organization, on a basis of legal decr according to the terms of the order, we will have to consider the membership. May I ask, before we start, how much time you think you will need with this witness?

DR. WEISGURBER: Not more than one hour.

H0990 - 0023

CAPT TUBRIDY: Will we need to take that much time?

DR. WEISGURGER: I shall try to confine my questions to the points absolutely necessary in order to clear up the position of the Gestapo.

DIRECT EXAMINATION

BY DR. WEISGURBER:

Q Witness, you were a member of the Feld Polizei Chief of the Army during the last war?

A Yes.

Q What was your professional career, very breifly?

A After the first world war I was a police employee and in 1922 I left the police with the rank of a captain and became a businessman. In 1933 I reentered the police with the same rank and became one of the members of the Order Police. In December, 1933, I was employed with the office of the Secret State Police in the central office in Saxony, and in 1936 I entered the Feld Police as Inspector.

In 1938 I was called in order to participate in a military maneuver with the field police chief of the army, and then because we only had been on manovers I was dismissed again in December and on the 21st of August, 1938, I again entered re-employment with the army organization. On the 1st of May, 1940, I came to the Obersalsberg as Commander in Chief of the Military Police in the OKW. I kept this position until I was captured on the 2nd of May, 1945.

Q What rank did you have as chief of the field police in the army?

A I was called on the 21st of August, 1939 with the rank of Colonel and that has been my rank until the end.

Q Were you a member of the party or one of it's organizations?

A On the 20th April, 1934, I was a captain in the regular police and I was taken into the SS as an Untersturmfuehrer, and I entered the party on the 1st of May 1937.

Q And under whose command were you as a field police commander of the a

A I was under the jurisdiction of Admiral Canaris in the army high comm

Q And what was the strength of this secret field police?

A The number of secret field policemen was raised from three thousand a the beginning of the war to eleven or twelve thousand as the war went on.

Q At certain times were any special units of the secret field police tak

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in as part of the Gestapo?

A That question cannot be answered with "yes", directly, because no soldiers were transferred to the Gestapo directly, because they were transfer ed to the security police. That was in 1942, starting with May, 1942. At that time the higher SS and police leader was named in advance and the secret fiel police was relieved of many of it's duties through the work of the security police. It was, therefore, that the Reichsfuehrer SS, after the new higher SS and police had been created, the Reichsfuehrer required that the police be en- larged in France, and he attempted to get the entire secret field police as a unit under his jurisdiction. This request of the Reichsfuehrer was not carried out due to the protest of the OKW, especially of Admiral Canaris, and it was, therefore, decided between Himmler and Keitel that the secret field police was to release all of its men that were not needed from the army. And for that rea son it was that in France the members of the secret police were released from the army at the same time in 1942, and it at first concerned 23 troops of secr field police and their companies, all together about 2500 men.

Q In other words, these men were released from the army, then transferre to the security police upon an official order?

A Yes, and this was especially due first to a verbal agreement and it came through later on in the form of a written order between Himmler and Keite and later this matter was settled officially through an order of the 17th December, 1942. The troops, that is, non-commissioned officers and enlisted men of these secret field police w re transferred as the bulk, together with civil employees, to the security police, and there w re left, together with all of their equipment, until released f om the army. In othe words, the security police took all of these men as a group.

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A Any kind of selection was strictly forbidden. The entire group was tak over by the security police with the exception of those men which were not used by the security police, that is, people born in 1917 or earlier, but the rest moved over as a unit, including the professional officers of the security poli

BY LT. HARRIS:

Q Did I understand you to say that those born in 1917, or earlier, w re

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not transferred?

A That was the right answer. You did understand it correctly.

BY DR. WEISGURBER:

Q Was there any possibility for any member of the secret police to refu to be transferred over to the security police?

A No, there was not a single possibility for a member of the secret police to refuse this order. I wish to say this: In cases where a large numbe of soldiers who would rather have stayed with their units, were threatened wi disciplinary action, tried time and time again to get transferred back into the army.

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Q These persons that were transferred in such a way to the security poli were also regarded as so called labor recruits?

H0990 - 0026

A Those people were generally called the labor recruits or the requirement groups.

Q Do you know anything concerning what use was made of these drafted workers after they had been transferred to the security police?

A These groups were used by the security police as such due to the fact that a group usually consisted of about five active policemen, four to five officers and about fifteen non-commissioned officers and men which were non commissioned men, auditors, mechanics and so on. These persons were also all taken over by the security police, and then grouped according to necessity. The police heads for instance were transferred into the criminal police of the Gestapo and the SD. The drivers remained as such, as also did the other personnel, such as telephone operators, they all remained in their jobs as such within the security police.

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Q Can you give me the entire strength of these so-called labor recruit

A The number amounted to as I figured it out, but, however, I shall have to figure it out without any kind of files, I figure from between 5500 to 7500 men.

Q Was there any cooperation in the work between the secret field police and the security police?

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A Naturally, since the secret field police was only responsible for areas outside of the Reich's borders, that is, in enemy country. Their work together only amounted to so-called administration and law. In other words, that was such work as providing for information, giving the other groups their jobs to work with the files, and any other kind of a job, such as driving vehicles, since the secret field police and security police always were under the same Commander in Chief of the Army. However, there was no organizational or jurisdictional connection between the secret field police and the security police.

Q Didn't the secret field police send its prisoners to the prisons of the security police?

A I don't even know of any prison that was in the hands of the securit police since all of those prisons in these occupied territories, such as France and the others, were under the command of the military commanders, that is, the military administration. After 1942 an agreement was reached according to which the secret field police had no jurisdiction whatsoever concerning civilian matters. From that time on the secret field police was only connected or interested in actions within the group or within the groups of the army, and whenever there was any kind of attack by civilians upon military installations or military units. Whenever, a man was arrested by the secret field police and if in case it was found out he did not act against any of our military laws, then this man was transferred, after his arrest to the security police, since we did not have anything to do with civilian matters. The German secret field police was originally the counter intelligence police of the German Army. After the higher SS and police leader was named, the units, that is, the counter intelligence units had to work together exclusively with the security police and the secret field police was only interested in military matters, that is, actions within the units.

Q Who provided the administration and guarding units for these prisoners?

A There were two kinds of prisons, one, military prisons which were temporary prisons, and, secondly, the prisons that already had existed within

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this country. The matterwas at that time exactly as it was today, that is, all of those prisons were under the jurisdiction of the military government, that is, whether they were army prisons or whether they were civilian prisons and, therefore, the military commander of the area had to provide administrat ion and guarding units, and whether or not in this case it was the local field commander or it was the department commander that provided these troops is not of any impertance. However, these troops were under the jurisdiction of the Commander in Chief or Oberbefehlshaben and the army prisons and military prisons had only military prisoners. However, civilian jails were occupied partly by members of the nation in which these prisons were.

Q The Gestapo did not carry out any mutual action between the secret field police and the security police?

LIEUTENANT HARRIS: I am going to object. I think this is quite irrelevant. I don't see what bearing this question or this line of questioning has upon the

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criminality of the Gestapo. Furthermore, I amgoing to renew my objection now on the basis that the evidence adopted by the witness does not indicate that any such considerable percentage of the membership of the Gestapo, during the period from 1933 to 1945, was brought in by a draft of the military forces, such as would in any way affect the essential, voluntary character of the Gestapo as a State or as an organization.

DR. WEISGURBER: I want to state the following:

The Gestapo started out being a small organization and in 1933it grew until 1945. One or more groups of persons were brought into the Gestapo, that is,they were made a part of the Gestapo. One of these groups is the so-called labor recruits, concerning whom we are talking now. I want to prove that other groups of personnel which were even much larger than these were brought into the Gestapo, that is, they were made a part of the Gestapo. One of these groups is the so-called labor recruits, concerning whom we are talking now. I want to prove that other groups of personnel which were even much larger than these were brought into the Gestapo, not through their own volunteering but through transfers. I will create evidence concerning many more groups which were forced into the Gestapo. It is only when all of these groups have been heard that judgment can be given as to whether or not the Gestapo essentially was a military unit or not. It is, therefore, not now permissible to have an objection which says that the organization concerning which we are speaking now does not in any way disprove a claim of the Prosecution that the Gestapo was a voluntary organization.

CAPTAIN TUBRIDY: I don't think you quite get the point of the matte Furthermore this evidence does not show any real lack of criminality on the part of the Gestapo.

DR. WEISGURBER: I shall intend or I do intend to ask a few questior concerning that point.

CAPTAIN TUBRIDY: May we direct the questions to that?

DR. WEISGURBER: Yes.

BY DR. WEISGURBER:

Q These questions now do not concern themselves expressly with the Gestapo, but they are in connection with the action of the secret field police

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DR. WEISGURBER: I should have the possibility to prove and show that crimes of which the Gestapo is accused could have been carried out by other organizations.

CAPTAIN TUBRIDY: The more primary question is not, could they, but did they?

DR. WEISGURBER: Concerning that the witness shall make statements in so far as what he knows.

CAPTAIN TUBRIDY: Let's proceed.

BY DR. WEISGURBER:

Q To what extent was the secret field police connected with the deportation of Jews and their extermination?

A As far as I know almost certainly not at all.

Q I have only a few more questions. My statement is correct, isn't it, that as I say the secret field police members that were transferred into the security field police between the years 1942 and 1945, did not do so voluntarily and they could not have and were not in a position to ask for a different transfer or were in no position to refuse to transfer without endangering themselves, that is, without making the possibility of a disciplinar court martial action?

CAPTAIN TUBRIDY: You asked that question before, didn't you, Dr. Weisgurber?

DR. WEISGURBER: It is just a summary, a closing summary of the case.

CAPTAIN TUBRIDY: There is no point in repetition.

DR. WEISGURBER: Then I will recall the question. I have no further questions.

CROSS EXAMINATION

BY LIEUTENANT HARRIS:

Q You said that during the period 1943to 1945 about twenty-eight groups of nine or twelve polizei wer transferred to the higher police and police leaders?

A Yes.

Q And that the total number involved was between 5,500 and 5,700?

A Yes.

Q Does that include those transferred in France?

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A Yes, I can give the exact numbers as far as France is concerned.

Q That is all right. We are not interested.

A About twenty-three groups in France and about twenty-eight groups in the other countries.

Q And all told about 5,500?

A Each group has 100 men and in addition to that you have the various staffs, yes.

Q And that includes all clerical help and drivers, etc. who are included in that number?

A Everything.

Q And, however, no officers, just the non-commissioned officers?

A Yes, there were five officers, five or six officers with each of these groups, that is, if they were civil servants with officers' ranks and these were also transferred into the security police.

Q Were any of these persons so transferred former members of the police in civilian life?

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A No, among these non-commissioned officers and enlisted men there were none with the exception of the five civil servants with officers' ranks which were police. Besides the forty-five noncommissioned officers and enlisted men of each of these groups these sides were all of them members of some higher intelligence that is, they either were lawyers or law members or hotel residents and so on.

Q The leaders were professional policemen whose careers had been interrupted by the fact of the war and they had gone in police work in the army instead of continuing in their civilian police work?

A Yes, as members of the army.

Q So that when they were transferred to the security police they were restored in a sense to a similar job to the one they may have had, had they not, with temporary duty in the army?

A The policemen in the secret field police consisted of about seventy per-cent former criminal policemen, about twenty percent administrative police members and then certain percent employees of the Gestapo, and these Gestapo men were all men born in 1917 or after, and is, young men who were required to serve with arms.

Q Now when these higher police leaders and SS received some of these men I suppose they spread them out under the various units under their command, such as order police and security police and the Waffen SS and so on?

A No, these forty-five noncommissioned officers and enlisted men in each of these groups were trained in counter intelligence activities, and they were each required to speak a number of foreign languages frequently and to have no previous court records, and, therefore, these men were transferred into the security police since they were of no use in the order police.

Q I was thinking of the eighteen groups you mentioned which right at the end of the war were transferred on the retreat from the East. I suppose some of them were put into special SS functi

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other than the Security Police?

A No, that was not the case.

Q Well in any case they were divided among the Gestapo and the Kriro and the SD, weren't they?

A Yes, that is as well at home as in the occupied territories.

Q And there were five professional policemen and about forty-five NCO's and enlisted men in each group?

A In addition to these there were a military personnel of 28 drivers, one bookkeeper, three clerks and so on.

Q And there were how many, eighteen groups in France and twenty-eight groups elsewhere?

A Twenty-three groups in France and twenty-eight groups in the other parts.

DR. WEISGURBER: No further question.

CROSS EXAMINATION

BY M. LANGIRE:

Q I have just one question. Will you tell me, witness, if the men who were moved from the secret police into the securi police had some change in their uniform?

A Yes, due to the fact they were transferred from the army they were not soldiers any more.

REDIRECT EXAMINATION

BY DR. WEISGURBER:

Q I have only one question. Am I correct in saying that the 28 drivers, three clerks and so on, became members of the security police, just as well as the other forty-five police aids that went into the security police?

A Yes, there was no difference made whatsoever. The OKW wanted a difference between the secret field police and the secur ty field police, and, therefore, these troops were transferred completely with all material to the security police.

BY CAPTAIN TUBRIDY:

Q Do you know of any case where a person could resign after

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the transfer?

A Out of the 2300 men that were transferred in France of the security police, I received at least 1800 requests for re-assignment, but only due to the fact that these persons did not better their positions. In fact, the position got worse, both materially and in the occupation, and these members of the intel gence branch formerly had a possibility of becoming officers, an therefore, improving their status, but upon being considered as recruited workers, they were at the end of their career.

Q Was there any attempt to resign from the service or to get out and what happened when they would apply to get out?

A I then had them informed through other field policemen or by myself that such a re-instatement only was impossible on account of the agreement between the OKW and the Chief of the German police. This order was given to me directly by Admiral Canaris and as a reason he said he did not want any trouble or difficulties with the security police.

Q The reason why they wanted to get out was because they were not bettering their position where they were is that right?

A The men not only wanted to get out because they did not have any chance of bettering themselves but also due to the fact there were a lot of experts within the security police and these men were not used entirely for their ability, that is, for instance a man who used to be a chief for a district and was transferred into the SS and they made an SS unterscharfenfuehrer --

CAPTAIN TUBRIDY: I think that will be enough. Are there any further questions? Then the witness will be excused.

(The commission adjourned until 28 June 1946 at 1000 hou

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The foregoing is a true and correct transcript of the testimo of WILHELM KRICHBAUM taken on 27 June 1946.

Piilani A Ahuna
Reporter

Rose Cook
Reporter

CERTIFIED TO:

Joseph F. Tubridy
Commissioner

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Amtliche Niederschrift der Zeugenaussagen über angeklagte Organisationen vor der vom Internationalen Militärgerichtshof am 13 März 1946 gemäss Paragraph IV ernannten Kommission.

Donnerstag , den 27. Juni- 1946

Beauftragter: Captain Tubridy.

Organisation: Geheime Staatspolizei.

Als Zeuge wird Wolhelm Christian Johann K i r c h b a u m in den Saal geführt.

Capt. Tubridy: Geben Sie Ihren vollen Namen an!

Zeuge: Wilhelm Christian Johann K i r c h b a u m.

CPT. TUBRIDY: Erheben Sie sich, bitte. Nehmen Sie den rechten Arm hoch und sagen Sie mir folgendes nach:

"Ich schwöre bei Gott dem Allmächtigen und Allwissenden, dass ich die reine Wahrheit sagen, nichts verschweigen und nichts hinzusetzen werde."

(Der Zeuge spricht die Worte des Eides nach.)

Sie dürfen sich setzen.

DR MEISGERBER: Ich beabsichtige den Zeugen über folgende Beweisthemen zu befragen:" Die Überführung von Angehörigen der Geheimen Feldpolizei als Notdienstverpflichtete in die Sicherheitspolizei, ihre Aufgaben und Tätigkeit."

LT HARRIS: Ich möchte hier einen Einwand erheben. Denn ich sehe nicht ein, wieso die Überführung im Rahmen der Notdienstverpflichtung irgend einen grundlegenden Einfluss gehabt haben soll auf den Aufbau der Gestapo, für einzelne Personen schon, abernicht auf die ganze Organisation als solche. Ich möchte den Antrag stellen, dass sie die Fragestellung in dieser Hinsicht auf dieses Beweisthema beschränkt.

CAP. TUBRIDY: Gemäss den Anordnungen ist es erheblich, ob die Mitglieder freiwillig oder im Rahmen einer Notdienstverordnung in eine Organisation gezogen worden sind. Wenn hier von einer grossen Anzahl von Leuten die Rede ist, .

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die in die Organisation auf Grund einer gesetzlichen Vorschrift eingegliedert wurden, werden wir, gemäss den Anordnungen die Mitgliedschaft zu betrachten haben.

Wielange glauben Sie, dass Sie den Zeugen benötigen werden?

DR WEISSGERBER: Ich werde nicht länger wie eine Stunde brauche

C.P. Tubridy: Ist es nötig, überhaupt diese Zeit zu brauchen?

DR WEISSGERBER: Ich werde mich bemühen, die Fragen auf das Allernotwendigste zu beschränken und auf das, war zur Aufklärung dieses Sachverhaltes unbedingt notwendig ist.

V E R N E H M U N G

DURCH DR WEISSGERBER:

F. Herr Zeuge, Sie waren in dem abgelaufenen Kriege Feldpolizeichef der Wehrmacht?

A. Jawohl.

F. Welches war Ihr Beruf und Ihr Werdegang? Ganz kurz.

A. Ich bin nach dem Weltkrieg Polizeibeamter gewesen, bin im Jahre 1922 aus der Forstpolizei ausgeschieden, wurde Kaufmann, trat im Jahre 1933 wieder als Hauptmann bei der Schutzpolizei ein, wurde Ende Dezember 1933 zum Geheimen Staatspolizeiamt Sachsen kommandiert und wurde im Jahre 1936 Grenzinspekteur II des Reichssicherheitshauptamtes. 1938 wurde ich zum erstenmal zu einer Übung als Feldpolizeichef einberufen zur Wehrmacht. Im Dezember 1938 wurde ich wieder aus der Wehrmacht entlassen, da es sich nur um eine Übung handelte, und als Heeresfeldpolizeichef wieder einberufen am 21. August 1938. Am 1. Mai 1940 wurde ich dann Feldpolizeichef der Wehrmacht im Oberkommando der Wehrmacht. Diese Stellung habe ich beibehalten bis zu meiner Gefangennahme am 2. Mai 1945.

F. Welchen Dienstgrad hatten Sie als der Feldpolizeichef der Wehrmacht?

A. Ich wurde am 21. Aug. 1939 als Oberst einberufen und bin in diesem Rang geblieben bis heute, bis zu meiner Entlassung aus der Wehrmacht.

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F. Waren Sie Mitglied der Partei oder einer ihrer Gliederungen'

A. Jawohl, ich wurde im Jahre 1934, am 20. April 1934 als Hauptmann der Schutzpolizei in die SS übernommen als SS-Untersturmführer.In die Partei bin ich eingetreten am 1. Mai 1937.

F. Wem unterstanden Sie als Feldpolizeichef der Wehrmacht?

A. Ich unterstand ausschliesslich dem Admiral Canaris im Oberkommando der Wehrmacht.

F. Wie hoch war die Hauptstärke der Geheimen Feldpolizei?

A. Die Stärke der Geheimen Feldpolizei stieg von 3000 Mann bei Kriegsbeginn auf etwa 11 000 Mann bis 12 000 Mann im Laufe des Kriges.

F. Wurden von einem bestimmten Zeitpunkt ab gewisse Teile der Geheimen Feldpolizei in die Geheime Staatspolizei übernommen

A. Die Frage kann nicht ohne weiteres bejaht werden; denn in die Geheime Staatspolizei sind keine Soldaten direkt überführt worden, sondern sie wurden in die Sicherheitspolizei überführt, und zwar geschah dies Im Jahre 1942, ab Mai 1942. Zu diesem Zeitpunkt wurde in Frankreich der Höhere SS- Und Polizeiführer eingesetzt und die Geheime Feldpolizei durch den Einsatz der Sicherheitspolizei sehr weitgehend entlastet. Aus diesem Grunde forderte der Reichsführer SS nach dem Einsatz der Sicherheitspolizei in Frankreich eine Verstärkung seiner Polizeikräfte und versuchte, sich die Geheime Feldpolizei in ihrer Gesamtheit zu unterstellen. Diese Forderung des Reichsführers SS scheiterte an dem Widerstand des Oberkommandos der Wehrmacht, insbesondere des Admiral Canaris und es wurde zwischen Himmler und Keitel vereinbart, dass die Geheime Feldpolizei die überflüssigen Kräfte aus der Wehrmacht entlassen sollte. Aus diesem Grunde wurden zunächst die in Frankreich eingesetzten Teile der GFP zu bestimmten Terminen im Jahre 1942 aus der Wehrmacht entlasser und zwar handelte es sich zunächst um 23. Gruppen der Geheimen Feldpolizei. Das sind also Kompanien gewissermassen, insgesamt etwa 2500 Mann.

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F. Es erfolgte also die Entlassung aus der Wehrmacht und die geschlossene Überführung in die Sicherheitspolizei auf Grund eine Befehles?

A. Jawohl. Es lag hierüber zunächste eine Vereinbarung, eine mündliche Vereinbarung zwischen Keitel und Himmler vor, welche in Form einer Anordnung durchgegeben wurde, die dann durch den Befehl vom 17. Dezember 1942 endgültig festgelegt wurde. Die Unteroffiziere und Mannschaften der Geheimen Feldpolizei waren ebenso wie die Beamten mit ihrer Gesamtausrüstung geschlossen in die Sicherheitspolizei zu überführen und wurden dort entlassen aus der Wehrmacht , wurden also als geschlossene Formation von der Sicherheitspolizei übernommen.

F. Nach welchen Gesichtspunkten erfolgte die Auswahl der zu überführenden Offiziere, Unteroffiziere und Mannschaften?

A. Jegliche Form der Auswahl war verboten. Es wurden lediglich diejenigen Jahrgänge in der Truppe, die an sich auch bei der Sicherheitspolizei nicht u.k. waren, das waren die Jahrgänge 1917 und jünger, nicht überführt. Alle anderen Leute mit Ausnahme der Berufssoldaten wurden ohne jegliche Auswahl in die Sicherheitspolizei übernommen.

DURCH DR. MEISSGERBER:

F. Bestand für den einzelnen Angehörigen der Geheimen Feldpolizei die Möglichkeit, sich der Überführung in die Sicherheitspolizei zu widersetzen?

A. Nein, es bestand keinerlei Möglichkeit für irgend einen Angehorigen der Feldpolizei, sich diesem Befehl zu widersetzen. Ich muss im Gegenteil hier sagen, dass ein grosser Teil der Soldaten, die lieberbei der Truppe bleiben wollten, als zur Polizei zu gehe mit Strafe bedroht wurden, weil sie von sich aus dauernd Rückversetzungsgesuche usw. gemacht haben.

F. Welches wären die Folgen einer strikten Weigerung gewesen, der Versetzung in die Sicherheitspolizei Folge zu leisten?

A. Diese Frage zu beantworten, ist natürlich sehr schwer. Aber zum mindesten wäre ein Krigesgericht oder nach der Überführu

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in die Sicherheitspolizei ein SS- Und Polizeigericht zuständig gewesen, das den betreffenden Mann aufs schärfste bestraft hätte.

F. Die Angehörigen der Geheimen Feldpolizei, die auf diese Weise in die Sicherheitspolizei überführt wurden, wurden auch Notdienstverpflichtete genannt. Ist das richtig?

A. Jawohl. Die Leute wurden an sich die Notdienstverpflichtete genannt.

F. Was ist Ihnen über die Verwendung dieser Notdienstverpflichteten nach erfolgter Eingliederung in die Sicherheitspolizei bekannt?

A. Die Notdienstverpflichteten oder vielmehr die Soldaten, welche in die Sicherheitspolizei als Notdienstverpflichtete überführt wurden,wurden in der Sicherheitspolizei in allen Sparten verwendet. Denn eine Gruppe Geheime Feldpolizei bestand ja nur aus fünf aktiven Polizeibeamten, 45 Hilfsbeamten und zirka 50 Unteroffizieren und Mannschaften, also Kraftfahrern, Schreibern, Ordonanzen, Handwerkern, Sanitätern usw. Aus diesen Leuten bestand die Gruppe.Diese Leute wurden ja alle von der Sicherheitspolizei übernommen und dann ihren Fähigkeiten entsprechend verteilt , also die Hilfsbeamten kamen zur Kripo, zur Stapo, zum SD, und die Kraftfahrer wurden ebenso wie das andere Personal als Schreiber,Telefonisten usw. verwendet.

F. Wurden auch in anderen besetzten Gebieten Überführungen von Angehörigen der Geheimen Feldpolizei in die Sicherheitspolizei vorgenommen?

A. Jawohl. Der Chef der deutschen Polizei machte von dieser Möglichkeit, gutes Personal zu bekommen, weitgehenden Gebrauch. Er verlangte in jedem Falle, wenn in einem Lande ein Höherer SS- und Polizeiführer eingesetzt war, dass die Feldpolizei ihre Tätigkeit einzustellen habe und ihm diese Leute zu überführen seien. Das führte dazu, dass das Oberkommando des Heeres, bezw. das Oberkommando der Wehrmacht ..... jedesmal, wenn irgendwo ein Höherer SS- und Polizeiführer eingesetzt war, die Geheime Feldpolizei fluchtartig abzog.

trotzdem wurden im Laufe der Jahre 1943 - 1945 überführt aus Belgien 8 Gruppen in die Sicherheitspolizei, in Serbien eine, eine in Dänemark und nach dem Rückzug aus dem Osten noch weitere -- einen Augenblick -- 18 Gruppen. Also 18 Gruppen im Osten, 8 Gruppen in Belgien, eine Gruppe in Dänemark und eine Gruppe in Serbien.

F. Können Sie mir die Gesamtkopfstärke dieser Notdienstverpflichteten angeben?

A. Die Gesamtkopfstärke betrug nach meiner Erinnerung, die ich allerdings ohne Unterlagen hier machen muss, etwa 5500 bis 7500 Mann.

F. Bestand eine Zusammenarbeit zwischen der geheimen Feldpolizei und der Sicherheitspolizei?

A. Jawohl und zwar eine selbstverständliche; denn die geheime Feldpolizei war ja nur ausserhalb der Reichsgrenzen zuständig, also auf den Kriegsschauplätzen. Die Zusammenarbeit bestand nur in der sogenannten Amts- und Rechtshilfe, also in Auskunftserteilungenoder in --Akteneinsichten oder in irgendwelchen Unterstützungen, z.B. Bestellung von Kraftfahrzeugen oder ähnlichen Dingen erfolgte, da beide Formationen, sowohl die Feldpolizei, wie auch die Sicherheitspolizei immer ein und demselben Militärbefehlshaber unterstanden.

Es bestand jedoch keinerlei organisatorischer oder befehlsmässiger Zusammenhang zwischen Feldpolizei und Sicherheitspolizei;

F. Lieferte die Geheime Feldpolizei denn nicht Gefangene in die Gefängnisse der Sicherheitspolizei ein?

A. Es ist mir nicht bekannt, dass die Sicherheitspolizei überhaupt selbst Gefängnisse hatte, sondern die Gefängnisse waren doch in Frankreich oder anderen Ländern Einrichtungen der Militärverwaltung, bzw. der Militärverwaltungsbehörden; - sollte ein Mann, der festgenommen war, - oder darf ich es anderes formulieren -- nach den Vereinbarungen, die im Jahre 1942 getroffen waren hatte die Geheime Feldpolizei auf dem zivilen Sektor keine Zuständigkeitsmehr. Die Geheime Feldpolizei war von diesem Zeitpunkt ab nur noch zuständig innerhalb der Truppe und soweit es

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Zivil anging, nur noch bei direkten Anschlägen gegen die Wehrmacht. Wenn also die Geheime Feldpolizei einen Zivilisten festgenommen hatte, dann wurde das gemeldet und wenn er nicht im Zusammenhang mit einer truppenpolizeilichen Angelegenheit stand wurde der Mann nach seiner Festnahme an die Sicherheitspolizei übergeben, weil diese zuständig war für die Zivilisten.

Die Geheime Feldpolizei war ja ursprünglich die Abwehrpolizei der deutschen Wehrmacht gewesen. Nach der Einsetzung des Höheren SS und Polizeiführers jedoch z.B. in Frankreich mussten die militärischen Dienststellen d.h. die Abwehrstellen ausschliesslich mit der Sicherheitspolizei zusammenarbeiten, während die Geheime Feldpolizei nur noch Truppenpolizei war.

F. Wer stellte dann das Verwaltungs- und Bewachungspersonal für die Gefängnisse?

A. Ja, es gab an sich zwei Arten von Gefängnissen, nämlich die reinen Wehrmachtsgefängnisse, darunter auch die sogenannten beweglichen Wehrmachtsgefängnisse, und die landeseigenen Gefängnisse, die in den betreffenden Ländern vorhanden waren. Da alle diese Dinge genau wie heute der Militärverwaltung unterstanden, hatte selbstverständlich die Militärverwaltung auch das Bewachungspersonal zu stellen und die Aufsicht über die Gefängnisse, es ist in einzelnen Fällen nur verschieden ob der Feldkommandant oder der Ortskommandant oder irgendeine andere Stelle. Verantwortlich für jeden Fall war er in seiner Eigenschaft als Gerichtsherr.

Die Wehrmachtsgefängnisse hatten ausschliesslich Wehrmachtspersonal, während die landeseigenen Gefängnisse auch mit dem Gefängnispersonal arbeiteten der Länder, in denen sie sich befanden.

F. Sind nicht gemeinsame Aktionen der Geheimen Feldpolizei und der Sicherheitspolizei durchgeführt worden?

A. Darüber ist mir nichts bekannt.

LT HARRIS: Ich erhebe Einwand gegen diese Frage. Ich sehe nicht ein, was diese Fragen und Antworten mit der Kriminalität der

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Gestapo zu tun haben, und ich erhebe Einwand aus dem Grunde, weil es bisher noch nicht bewiesen worden ist, dass zwischen 1933 bis 1945 ein sehr grosser Prozentsatz der Gestapo-Beamten in Wirklichkeit von militärischen Organisationen überführt worden sind. Der Teil, der überführt worden ist, d.h. bis jetzt gezeigt worden ist, dass welche überführt worden sind, beweisst auf keinen Fall, dass die Gestapo doch grundsätzlich eine freiwillige Organisation war.

DR WEISSGERBER: Hierzu erkläre ich folgendes: Die Geheime Staatspolizei ist aus kleinen Anfängen im Jahre 1933 zu einer grossen Organisation im Jahre 1945 herangewachsen. Es sind immer weitere Personengruppen in die Geheime Staatspolizei eingegliedert worden. Eine derartige Personengruppe sind die der Notdienstverpflichteten, mit denen ich mich heute befasse. Für andere Personengruppen, die zahlenmässig noch viel stärker waren, als die Notdienstverpflichteten habe ich bereits einen Beweis geführt, dass sie nicht freiwillig zur Gestapo gekommen sind. Für weitere Personengruppen werden ich diesen Beweis noch führen. Die Zusammenfassung aller dieser Personengruppen ergibt dann erst die Möglichkeit für die Beurteilung der Frage, ob die Zugehörigkeit zur Gestapo eine freiwillige war oder nicht. Es ist deshalb auch nicht zulässig, dass gegen meine Fragen Einspruch erhoben wird, mit der Begründung, es handle sich hier um eine Personengruppe, die für sich allein die Gegenbeweise gegen die Anklagebehörde der freiwilligen Zugehörigkeit nicht erbringen kann.

CAPT. TUBRIDY: Ich glaube, die haben den Hauptpunkt dieser Sache nicht ganz verstanden. Weiterhin zeigt dieser Beweis keineswegs, dass die Gestapo keine kriminelle Organisation war.

DR WEISSGERBER: Ich habe noch einige Frage zu diesem Punkt vorgesehen.

CAPT. TUBRIDY: Können wir zu diesen Fragen übergehen?

DR WEISSGERBER: Jawohl.

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27.Juni-I.Schm-9-Braun-

Diese Fragen beziehen sich nun nicht ausdrücklich auf die Geheime Feldpolizei, sondern sie stehen im Zusammenhang mit der Geheimen Feldpolizei, weil ich auf diesem Weg beweisen will - -

LT HARRIS: Ich habe gerade gesagt, dass wir an der Aktion der Geheimen Feldpolizei nicht interessiert sind.

DR WEISSGERBER: Ich muss aber die Möglichkeit haben auch Beweise nach der Richtung zu führen, dass Handlungen, die der Geheimen Staatspolizei zur Last gelegt werden, auch von anderen Organisationen begangen worden sein können.

CAPT. TUBRIDY: Die wichtigste Frage ist nicht, ob sie es hätten können, die Frage ist, ob sie es ausgeführt haben.

DR WEISSGERBER: Dazu soll der Zeuge das sagen was er weiss.

CAPT. TUBRIDY: Fahren Sie fort.

F. In welchem Umfange war die Geheime Feldpolizei an der Deportierung von Juden in den Vernichtungslagern beteiligt?

A. Meines sicheren Wissens nach überhaupt nicht.

F. Ich habe dann nur noch die Schlussfrage.

Es kann also keinem Zweifel unterlegen sein, dass die Angehörigen der Geheimen Feldpolizei, die in den Jahren 1942 bis 1945 als Notdienstverpflichtete in die Sipo überführt wurden, in keinem Falle freiwillig in die Sipo kamen und auch keine Möglichkeit hatten, sich der Überführung zu entziehen oder zu widsetzen, wenn sie nicht einer erheblichen Bestrafung gewärtig sein wollten?

CAPT TUBRIDY: Sie haben doch die Frage vorhin schon gestellt, Dr. Weissgerber?

DR WEISSGERBER: Es ist eine zusammenfassende Schlussfrage.

CAPT TUBRIDY Es hat keinen Wert die Frage nachmals zu stellen

DR WEISSGERBER: Gut, dann ziehe ich die Frage zurück. Ich habe keine weiteren Fragen mehr.

LT HARRIS:

F. Sie haben doch gesagt, dass zwischen 1943 und 1945 ungefähr 28 Gruppen von der Geheimen Feldpolizei an den Höheren SS- und Polizeiführer überführt worden sind?

H0990 – 0045

A. Ja.

F. Und dass die Zahl dieser Leute zwischen 5500 und 7500 war?

A. Ja.

F. Ist das einschliessend derjenigen in Frankreich?

A. Ja, auch Frankreich. Ich kann die Zahl ganz genau angeben. 23 Gruppen in Frankreich und ca. 28 Gruppen in anderen Ländern.

F. Im ganzen 5500?

A. Ja. Jede Gruppe hat ca. 100 Mann und hinzu kamen die verschiedenen Stäbe.

F. Ja und das schliesst ein alle administrativen Helfer.d.h. die Buchhaltung usw. die sind alle eingeschlossen?

A. Ja, alles.

F. Allerdings keine Offizier nur Unteroffiziere?

A. Ja, bis auf die Beamten im Offiziersrang die wir hatten. Bei jeder Gruppe waren 5 bis 6 Offiziere, d.h. Beamte im Offiziersrang, die aktive Polizeibeamte waren und mit den Gruppe in die Sicherheitspolizei zurücktraten.

F. Waren viele dieser Leute früher Polizisten?

A. Von den Unteroffizieren und Mannschaften nicht ein einziger sondern lediglich bei jeder Gruppe diese 5 Beamte im Offiziersrang. Die Unteroffiziere und Mannschaften soweit sie Hilfsbeamte waren, also 45 Mann bei jeder Gruppe bestanden ausschlie lich aus Angehörigen der Intelligenzberufe. Es waren Rechtsanwälte, Direktoren usw.

F. Also mit anderen Worten, diese 5 Leute allerdings waren Berufspolizisten, deren Polizei-- Arbeit unterbrochen wurde, durch den Ausbruch des Kriges, die dann in die Feldpolizei gekommen sind?

A. Jawohl, als Wehrmachtsangehörige.

F. Und als diese Leute dann in die Sicherheitspolizei zurückkamen, dann bekamen sie ungefähr ähnlich Arbeit, die sie gehabt haben?

H0990 – 0046

A. Vermutlich ja,. Die Beamten der Geheimen Feldpolizei bestanden zu 70 % aus Kriminalpolizei, zu 20 % aus der Verwaltungspolizei und zu 10 % von der Gestpo und zwar waren die Gestapoleute alles Jahrgang 1917 und jünger, die ja dann sowieso bei de Truppe mit der Waffe dienen mussten,.

F. Und wenn die Höheren SS- und Polizeiführer diese Mannschaften unter ihren Befehl bekommen haben, dann haben sie wahrscheinlich dieselben an die verschiedenen Organisationen verteilt, die unter ihrem Bereich waren, d.h. die Ordnungspolizei, die Sicherheitspolizei und die Waffen-SS?

A. Nein, die Leute, der Geheimen Feldpolizei, welche ja Hilfsbeamten und Mannschaften waren, waren ja auschliesslich vor der Abwehrpolizei beschult und musste an sich jeder mindestens eine Fremdsprache beherrschen und vollkommen unbestraft sein, und die Leute wurden ausschliesslich in der Sicherheitspolizei verwendet, da sie für ordnungspolizeiliche Aufgaben garnicht geeignet waren.

F. Ich habe an die 18 Gruppen gedacht, die wie Sie gesagt habe anlässlich des Rückzuges aus dem Osten zum Höheren SS- und Polizeiführer gekommen sind, d.h. die dann evtl. in sonstige SS-Verbände eingeschlossen worden sind und nicht in die Sicherheitspolizei?

A. Nein, das ist nicht der Fall gewesen.

F. Also sie wurden auf die Gestapo, die Kripo und den SD verteilt?

A. Ja, und zwar in der Heimat sowohl, als wie in den Einsatzkommandos anderer Länder.

F. Das waren also ungefähr 5 Berufspolizisten umd 45 Unteroffiziere und Mannschaften in jeder dieser Gruppen?

A. Sehr richtig und dazu das bestehende Unterpersonal 28 Kraftfahrer, 1 Rechnungsführer, 1 Oberfeldwebel , 3 Schreiber.

F. Das waren 18 Gruppen in Frankreich?

A. Ja, das waren in Frankreich 23 Gruppen und 28 in anderen Ländern.

H0990 – 0047

LT. HARRIS: Ich habe keine weiteren Fragen mehr.

DURCH MR LAMOIRE:

F. Zeuge, wollen Sie mir sagen ob die Leute, die von der Geheimen Feldpolizei in die Sicherheitspolizei ungeschult wurden, ob diese Leute eine andere Uniform bekamen oder eine Änderung in der Uniform?

A. Jawohl mit ihrer Entlassung aus der Wehrmacht waren sie keine Soldaten mehr.

MR LAMOIRE: Ich habe keine weiteren Fragen mehr.

DURCH DR WEISSGERBER:

F. Nur noch eine Frage. Das Hilfspersonal, also Kraftfahrer und Schreiber, usw. wurden nach der Überführung in die Sicherheitspolizei genau so gut Angehörige der Sicherheitspolizei wie die Hilfskräfte?

A. Jawohl, es wurden keinerlei Unterschiede gemacht, sondern die Wehrmacht wollte eine reinliche Trennung zwischen Feldpolizei und Sicherheitspolizei haben und hat deshalb die gesamten Gruppen geschlossen mit Mann und Ross und Wagen überführt.

DURCH CAPT. TUBRIDY:

F. Wissen Sie von irgendeinem Fall, wo es eine Person versucht hatte aus der Organisation zurückzutreten, nachdem sie überführt worden sind?

A. Ich habe von den 2300 Mann, die in Frankreich überführt worden sind, mindestens 1800 Gesuche zur Rücküberführung in die Wehrmacht erhalten und zwar aus dem ganz einfachen Grund, weil sie sich verschlechtert hatten, denn sie konnten ja nicht mehr befordert werden. Wenn sie bei der Truppe eingesetzt wurden war das noch der Fall, während sie bei der Gestapo mit dem Unteroffizier am Ende ihrer Leufbahn angekommen waren.

F. Ja, die Leute haben versucht aus der Organisation herauszukommen und was ist geschehen, wenn Sie es versucht haben?

A. Dann habe ich über die Feldpolizei oder andere Beamte Ihnen mitgeteilt, dass eine Rückversetzung auf Grund der Vereinbarung zwischen dem OKW und der deutschen Polizei nicht in Frage kommt

H0990 - 0048

Diesen Befehl hat mir Admiral Canaris persönlich mitgeteilt und wie er als Begründung sagte, er wolle keine Schweinerei mit der Sicherheitspolizei haben.

F. Ist das der Grund warum diese Leute heraus wollten, weil sie ihre Position nicht mehr verbessern konnten da wo sie waren?

A. Sie wurden an sich bei der Sicherheitspolizei nicht ihren Kenntnissen und Fähigkeiten eingesetzt, weil dort ja sehr viele Fachbeamte waren und so konnte es passieren, dass ein Mann der früher im Leben eine gute Position und grosse Praxis hatte, als SS-Unterscharführer oder SS-Rottenführer bei der Sicherheitspolizei ein kleiner Mann war, in der Geheimen Feldpolizei.

CAPT. TUBRIDY: Ich glaube wir werden uns jetzt vertagen.

(Die Kommission vertagt sich auf den 28. Juni 1946 um 10.00 Uhr.)

Das Vorstehende ist eine wahre und richtige Niederschrift der Aussagen vom 27. Juni 1946.

Unterschrieben: Rudolf Wahl
Gerichtsstenograph

Erna Braun
Gerichtsstenograph

Beglaubigt: Capt. Joseph Tubridy
Beauftragter